

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12542, of Thelma W. Rector, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provision (Section 3101) to permit an architect's office in an R-1-B District on the first floor of the premises at 5071 MacArthur Boulevard, N.W., (Square 1410, Lots 817 and 818).

HEARING DATE: December 13, 1977  
DECISION DATE: January 4, 1978

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of the intersection of Dana Place and MacArthur Boulevard, N.W., and is in an R-1-B District.
2. The subject lot is improved with a large house having two separate entrances. It is currently being used as a flat which has a valid Certificate of Occupancy dated December 1, 1960, No. B26243.
3. The remainder of the subject square is developed exclusively with detached single family homes similar to the subject property and conforming to the R-1-B District.
4. The commercial uses in the immediate vicinity are located in a C-1 District across Dana Place and along MacArthur Boulevard going west.
5. The subject property is located in an area which is stable and well maintained.
6. The applicant is a contract purchaser of the property and desires to establish his architect's office on the first floor and maintain his residence on the second floor.
7. The conversion of an existing building to an architect's office is permitted first as a matter of right in an SP District.

8. There were letters in the file in favor of and in opposition to the application.

9. The Municipal Planning Office by report, dated December 7, 1977, recommended denial of the application on the grounds that there is "no exceptional difficulty by reason of size, shape or other physical circumstances of the property that would render it unsuitable for residential use".

10. Advisory Neighborhood Commission-3D filed no report on the application.


CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variance is a use variance, requiring a showing of undue hardship upon the owner. The Board concludes that no such showing has been made, and that there is nothing to distinguish this property from other properties in the subject square, and there is nothing which makes the property exceptional, extraordinary or unique. The Board concludes that granting the requested variance could set an unwise precedent for the block and would thus threaten the existing stability of this residential area. It is therefore ORDERED that the application be DENIED.

VOTE: 3-1 (Charles R. Norris, William F. McIntosh and Leonard L. McCants to DENY, Chloethiel Woodard Smith to GRANT).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 25 JAN 1978